

If you believe you are the victim of real estate fraud, please call our office to request a complaint form. If you wish to send us a brief explanation of what happened, the explanation should include the following:

1. A brief overview of the events that took place.
2. The names, addresses, and telephone numbers of the people and companies involved.
3. Copies of all documents that you signed or were given to you, including grant deeds, quit claim deeds, trust deeds, reconveyance, assignment of rents, notes, contracts, agreements, escrow instructions and statements.
4. Copies of canceled checks, or money orders, (both front and back), that you gave in payment or that were given to you as payment.
5. Please print your name, address, and a daytime phone number. Send your complaints to:

**Office of the District Attorney
Real Estate Fraud Prosecution
412 W. Hospitality Lane, 3rd Floor
San Bernardino, CA 92415-0023**

**YOU MAY ALSO FIND HELP AT
THESE OTHER AGENCIES &
ORGANIZATIONS**

**CALIFORNIA DEPARTMENT OF REAL ESTATE
(DRE)**

320 W. 4th St., Suite 350
Los Angeles, CA 90013-1105
(213) 620-2072

The Department of Real Estate licenses, regulates, and investigates complaints about real estate brokers, salespersons, and mortgage brokers.

**SAN BERNARDINO COUNTY BAR
ASSOCIATION**

555 N. Arrowhead Ave.
San Bernardino, CA 92415
(909) 888-6791

The Bar Association can help consumers find lawyers who practice in specialized areas of law.

DEPARTMENT OF CORPORATIONS (DOC)

320 W. 4th St., Suite 750
Los Angeles, CA 90013-2344
(213) 576-7500 or (866) 275-2677

DOC regulates escrow companies, verifies the licenses of mortgage bankers, and the sale of securities, such as, fractionalized deeds of trust.

DEPARTMENT OF INSURANCE (DOI)

Consumer Communications Bureau
300 S. Spring Street, South Tower
Los Angeles, CA 90013
(800) 927-4357
(213) 897-8921

The Department of Insurance regulates the state's title insurers and examines complaints about the insurance business. If you have a complaint involving title to property, you may first file a claim with you title insurer.

CONTRACTORS' STATE LICENSE BOARD

1845 Business Center Dr., Suite 206
San Bernardino, CA 92408-3468
(909) 890-2205

The Contractors' State License Board investigates complaints involving contractors' and mechanics' liens.

INLAND COUNTIES LEGAL SERVICES

715 N. Arrowhead Ave., Suite 113
San Bernardino, CA 92401
(909) 884-8615

Provides free legal services to low income families for civil matters.



COUNTY OF SAN BERNARDINO

Office of the District Attorney

MICHAEL A. RAMOS

DISTRICT ATTORNEY

**REAL ESTATE FRAUD
PROSECUTION**

**TELEPHONE
(909) 891-3519
FAX
(909) 891-3605**

REAL PROPERTY CRIMES

Scam artists operate profitably in the complex world of real estate and finance. Fine print and obscure procedures mask their crimes. When one of these crooks takes your money or property by making a **false representation**, it is criminal fraud. If the falsehood can be proved and **corroborated**, the District Attorney can charge a crime. Here are a few examples of the types of con games being run in Southern California:

Foreclosure Bailout



Victims are lured by the promise of help for those who are “**upside-down**” and owe more on their home than the property is worth. These homeowners may be desperate.

Their alternatives are to sell at a large loss or let the lender foreclose; thus, damaging their credit. Often, bailout specialists target those who do not speak or read English well.

The con artist tells the homeowner that banks prefer to take a loss on a loan rather than take the home back on a foreclosure, and if FHA insures the loan the bank does not really lose money. Therefore, the bank is spared the headache of reselling the house. The homeowner is told that he is being offered an opportunity to arrange for a “**short sale**” on the house and it will have no effect on his credit rating. This is false.

The plan is usually for the homeowner to deed his house to the bailout specialist for one dollar. The bailout specialist gets a fee in advance, usually 1% of the mortgage amount, or about \$1,000. The con artist then rents out the house, or lets the (now former) homeowner live there for a modest rent. No payments are made on the loan, and the lender forecloses.

The bailout specialist pockets the advance fee and whatever rent he has collected. On the surface it all appears perfectly legal; however, a careful reading of the documents given to the victim may well reveal warnings that his credit may suffer and that the bailout specialist is not bound to successfully procure a short sale or reconvey the property. There will probably be a disclaimer of any liability to the victim.

Rental Fraud



A con artist locates a vacant house. It may be in foreclosure, or perhaps used as a vacation home. The con artist enters the home, changes the locks and advertises the property for rent; usually for a rent below the market. An unsuspecting tenant pays a security deposit and moves in. Rent is collected and pocketed by the rental fraud con-artist. The true owner and the bank holding the Deed of Trust do not see a penny.

Some crooks are so bold that they will rent out a property they do not own to several different tenants, collect first and last month's rent plus security, and then vanish. In a creative twist to this fraud, some defrauders claim they actually have a legal right to take over vacant houses under the law of “**adverse possession**”.

If you rent one of these houses, you do not commit a crime yourself. You are; however, a party to Trespass. You have no right to remain in the property.

Be alert for possible rental fraud when the utilities are maintained in the name of a third party or when the “landlord” insists that rent must be collected by himself/herself in person. Be especially wary if legal notices are mailed to the residence or posted on the property and your “landlord” tells you to ignore them.

Home Equity Theft

People who have built up equity in their homes are ripe targets for a variety of confidence games. High-pressure salesmen may sell elderly homeowners unnecessary or overpriced home improvements on credit. Also, a salesman may offer to refinance the home and provide cash to the homeowner. Frequently, victims report they were asked to sign documents with unfilled blank spaces or were not given copies. They have no idea what they've signed. Too often it



turns out that what they signed were “**hard money loans**” — high-interest mortgages with enormous fees. The payments are low because they cover only the interest. The principal is due in one “balloon” payment after a few years. The salesman's fees take a large portion of the homeowner's equity. When the balloon is due, oftentimes the only way to save the home from foreclosure is to take out another hard money loan.

Crooks find ways to cash out equity entrusted to them in “creative financing” of home purchases. They may employ a phony escrow or outright forgery to get control of the substantial loan proceeds in a home sale.

Your best protection is to NEVER submit to pressure and ALWAYS insist on getting financial or legal advice before you commit to any real estate transaction.





COUNTY OF SAN BERNARDINO

Office of the District Attorney

Michael A. Ramos

DISTRICT ATTORNEY

Real Estate Fraud Prosecution

Vance E. Welch
Deputy District Attorney

Lance A. Cantos
Deputy District Attorney

Re: REAL ESTATE FRAUD INFORMATION REQUEST

Enclosed are an informational letter, form and brochure. IT IS VERY IMPORTANT THAT YOU READ THE INFORMATIONAL LETTER CAREFULLY. It contains information you need to know and may answer some questions you might have. Please follow the instructions given and return all requested and necessary information to our office. *You must sign and date your completed form. DO NOT SEND US ORIGINAL DOCUMENTS.*

Our complaint review period is 30 to 90 days. If our office determines that criminal charges are probable, your complaint will be sent to our investigative unit where it will wait 'pending assignment'. Currently, the assignment waiting period is at least one year. Should our office determine that criminal charges are not probable, you will receive a letter from us shortly after your complaint has been reviewed.

DO NOT ANSWER ANY QUESTIONS WITH "SEE ATTACHED".

[YOUR STATEMENT MUST BEGIN ON PAGE FOUR OF THE COMPLAINT FORM. YOU MAY ATTACH ADDITIONAL PAGES AFTER PAGE SIX IF YOU NEED TO CONTINUE YOUR STATEMENT, BUT ***PAGE SIX MUST BE SIGNED.***]

In expectation of making an error, you may make a copy of the form before you fill it out; however, a copy of the form cannot be issued to anyone else. Also, if your statement will be written in a language other than English, please provide an English translation of your statement. We do not offer assistance in filling out the form. If the property in question is not located in San Bernardino County, **DO NOT FILE YOUR COMPLAINT** with this office. Your complaint must be filed in the same county in which the property in question is located.

Sincerely,

District Attorney's Office
Real Estate Fraud Unit



COUNTY OF SAN BERNARDINO
Office of the District Attorney
Michael A. Ramos
DISTRICT ATTORNEY
Real Estate Fraud Prosecution

Vance E Welch
Deputy District Attorney

Lance A. Cantas
Deputy District Attorney

Re: COMPLAINT OF SUSPECTED REAL ESTATE FRAUD

Thank you for your recent contact with this office concerning a claim of suspected real estate fraud. In order to assess your case, this office will require certain information and documents from you.

The District Attorney's Office is taking an active role to reduce real estate fraud in San Bernardino County. The best way to begin our investigation is to have you fill out our complaint form. Please specify what happened, when it happened, and the name or names of those involved. It is generally best to describe events in chronological order of their occurrence. When you are describing what happened, try to separate one event from another. Preferably, the complaint form should be typewritten; however, if that is impossible, please *print* clearly and legibly. Please note that *we do not offer assistance in filling out the complaint form. You must sign and date your completed form.*

If you received anything in writing from anyone, please make a copy of the document (including the envelope it came in). Do not worry about trying to separate the documents you think are important from those you think are not important. Many times, documents that are initially thought to be unimportant will contain very important information. Provide us with any documents that will support your complaint; for instance, if you suspect a forgery, provide us with the document containing the alleged forgery. Documents that you should try to locate might include the following:

- 1) Loan applications, promissory notes and deeds of trust (sometimes called "loan documents").
- 2) All grant deeds/quit claim deeds.
- 3) Escrow instructions.
- 4) Policies of title insurance.
- 5) Purchase agreements.
- 6) Business flyers.

- 7) Any court documents regarding the property, such as, marital settlement agreements, stipulated judgments, letters from lawyers regarding the property, and/or civil law suits.
- 8) Any documents regarding foreclosure, such as, default letters from the lender, a notice of default or a notice of sale.
- 9) All bankruptcy papers.

Please make legible copies of all documents (copy both sides of a double-sided document). **DO NOT SEND US ORIGINAL DOCUMENTS.**

After you have prepared the complaint form and copied your documents, **MAIL** them to:

San Bernardino County District Attorney's Office
Real Estate Fraud Prosecution
412 W. Hospitality Lane, 3rd Floor
San Bernardino, CA 92415-0023

Should we decide there are criminal charges that may be filed, we will forward your complaint to our investigative unit. Your complaint will remain there pending assignment. The waiting period is long and you may not hear from us for quite some time. Once the investigation begins, we will call you to set up an appointment. On the day of your appointment, **remember to bring all original documents with you.** If you have children, you will need to make arrangements for their care while you're here. Do not bring them with you to your appointment; we do not have any place for them to wait. If you are unable to keep your appointment, please notify our office as soon as you can.

Keep in mind that the District Attorney's Office is a law enforcement agency and we cannot dispense legal advice or represent a complaining party in a civil dispute. If your problem involves the pending **loss of your property through foreclosure, eviction or any other civil matter**, **OUR OFFICE WILL NOT BE ABLE TO HELP YOU.** We cannot stop any of these actions. You should immediately seek the advice and assistance of an attorney who practices or specializes in those areas of law. Your legal rights may be seriously affected; so, please do not delay in seeking assistance. If you should need an attorney, please contact your local bar association's lawyer referral service for assistance. We do not make attorney referrals.

Because of the nature of criminal law, the burden to prove a criminal case *beyond a reasonable doubt* is extremely high. This is the highest standard of proof used in court. So although a case may have merit, sometimes a case will not be prosecuted because the evidence is not sufficient enough to prove a person's guilt beyond a reasonable doubt. Therefore, we would not proceed with the case.

Again, remember that the District Attorney's office is a law enforcement agency. We can use information given to us by you, in court, against anyone, including you. Furthermore, you need to know that if you give us information you know is not true, you can be prosecuted under Penal Code § 148.5 (False Report of a Criminal Offense).

Cordially,

Real Estate Fraud Prosecution Unit
San Bernardino County District Attorney

Office of the District Attorney

County of San Bernardino

REAL ESTATE FRAUD

COMPLAINT FORM

PLEASE PRINT OR TYPE (If any section of this form is not legible, it may cause a delay in processing your complaint.)

1 Your full name (Identifies you as the complainant)		2 Residence address (street/city/state/ zip)	4 Residence phone no.
			Call blocking? yes ____ no ____ 5 Cell no.
		3. Primary Language:	6 Business phone no.
7 Occupation	8 Date of birth	9 Business address (street/city/state/zip)	10 Social security no.
	Male ____ Female ____		11 Driver's license no.
12 Were you referred to us? Yes _ No _ If yes, by whom & when?		13 Have you ever filed a complaint with us before? Yes _ No _ If yes, who did you file against and when?	14 If yes to # 13, please provide the case no.
15 Address of the real property in question (include parcel no. if known):		16 Approximate dollar amount involved (loss):	17 Does the property or loan involve HUD?
			Yes ____ No ____
18 I declare I have a complaint against: (full name of person, then their business, company, or firm affiliation)		19 Address (residential & business, if known):	20 Residential, business or cell phone number:
a) _____		a) _____	a) _____
_____		_____	_____
b) _____		b) _____	b) _____
_____		_____	_____
c) _____		c) _____	c) _____
_____		_____	_____
21 Full name of notary (if involved and not listed above):	22 Notary employed by:	23 Employer's address:	24 Employer's phone no.:

**YOU MUST SIGN AND DATE PAGE 6 OF YOUR COMPLETED FORM
WHETHER OR NOT YOU HAVE ADDITIONAL STATEMENT PAGES ATTACHED**

<p>25 Drivers' license no. of person(s) you are filing against (if known):</p> <p>a) _____</p> <p>b) _____</p> <p>c) _____</p>	<p>26 Birthdate(s):</p> <p>a) _____</p> <p>b) _____</p> <p>c) _____</p>	<p>27 Social Security no(s):</p> <p>a) _____</p> <p>b) _____</p> <p>c) _____</p>	<p>28 AKAs (if known):</p> <p>a) _____</p> <p>b) _____</p> <p>c) _____</p>										
<p>29 Personal descriptions of those involved (list name, race, sex, age [or approximate age if birthdate is not listed in box # 26], height, weight, color of eyes & hair, tattoos, scars and any other descriptive information)</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>													
<p>30 Do you suspect a forgery has been committed? Yes ____ No ____ Identity Theft? Yes ____ No ____</p>													
<p>31 Are you complaining about a mechanics lien? Yes ____ No ____</p>													
<p>32 How and when did you first become aware of the alleged fraud?</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>		<p>33 Date and place where the transaction(s) occurred:</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>											
<p>34 Have you had a previous business or personal relationship with the person/firm or any of its partners, officers, directors or controlling person?</p> <p style="text-align: center;">Yes ____ No ____ Business ____ Personal ____ Former employee ____ How Long? ____</p>													
<p>35 If yes to # 34, please write the exact name or entity, and very briefly explain the relationship. Provide dates if you can.</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>													
<p>36 Have you contacted the business or person regarding your complaint? Yes____ No____</p>													
<p>37 If Yes, person(s) contacted and date(s) contacted:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">• _____</td> <td style="width: 50%;">Date(s) _____</td> </tr> <tr> <td>• _____</td> <td>Date(s) _____</td> </tr> <tr> <td>• _____</td> <td>Date(s) _____</td> </tr> <tr> <td>• _____</td> <td>Date(s) _____</td> </tr> <tr> <td>• _____</td> <td>Date(s) _____</td> </tr> </table>				• _____	Date(s) _____	• _____	Date(s) _____	• _____	Date(s) _____	• _____	Date(s) _____	• _____	Date(s) _____
• _____	Date(s) _____												
• _____	Date(s) _____												
• _____	Date(s) _____												
• _____	Date(s) _____												
• _____	Date(s) _____												

**YOU MUST SIGN AND DATE PAGE 6 OF YOUR COMPLETED FORM
WHETHER OR NOT YOU HAVE ADDITIONAL STATEMENT PAGES ATTACHED**

38 Results of contact:

39 If your complaint involves a real estate loan or transaction, please provide the loan/escrow/title/transaction document number along with the name and address of the lender, escrow, or title company.

40 Have you filed a complaint with another law enforcement or consumer protection agency? Yes___ No___
If Yes, provide the name and address of the agency, phone number, report number, and the name and title of the person handling the complaint.

41 Do you already have a civil or criminal case filed? Yes___ No___ If yes, please provide the attorney's name, business address, phone number, case no., type of case (such as, small claims), and the court jurisdiction. Please provide any results of the case and attach any court documents.

42 Is there a family/child/sibling dispute with regard to a Guardianship or Power of Attorney? Yes___ No___
If yes, provide the name(s) and relation, and attach a **COPY** of the Guardianship or POA documents.

43 Are you willing to appear as a sworn witness to testify and be cross-examined regarding the allegations made in this complaint? Yes___ No___ If no, briefly state the reason:

44 List names, addresses and phone numbers of other individuals who may have further knowledge of this matter.

Name	Contact?	Address and phone
• _____	Yes___ No___	_____
• _____	Yes___ No___	_____
• _____	Yes___ No___	_____
• _____	Yes___ No___	_____
• _____	Yes___ No___	_____

**YOU MUST SIGN AND DATE PAGE 6 OF YOUR COMPLETED FORM
WHETHER OR NOT YOU HAVE ADDITIONAL STATEMENT PAGES ATTACHED**

If you request that we 'not' contact, please briefly state the reason why:

45 Provide **COPIES** only (**no originals**) of any document(s) you have to support your complaint. For example, if you suspect a forgery, provide the document(s) containing the alleged forgery. Provide any other documents in support of your complaint.

Supporting documents attached? Yes _____ No _____

46 In a brief statement tell us the full story beginning with the date of first contact. Keep dates of events in sequential order and include any misrepresentations made by the person(s) you're complaining about. Please include only the facts and details about how the alleged fraud occurred. Please be concise.

NOTE: Write the full names of individuals, including all witnesses present during the transaction(s). Be factual and detailed. Try to answer the questions: Who? What? When? Where? Why? and How? Attach additional sheets if you need more space. If attaching additional sheets, please put your name and the REF number, if given, at the top of all additional pages. (The REF number is located on the front page, top-right, of this complaint form.) If no REF number is listed, please put your name on the top right corner of all additional sheets.

**YOU MUST SIGN AND DATE PAGE 6 OF YOUR COMPLETED FORM
WHETHER OR NOT YOU HAVE ADDITIONAL STATEMENT PAGES ATTACHED**

Lined area for text entry.

**YOU MUST SIGN AND DATE PAGE 6 OF YOUR COMPLETED FORM
WHETHER OR NOT YOU HAVE ADDITIONAL STATEMENT PAGES ATTACHED**

Did you authorize another individual to complete or assist you in completing this form?

☐ Yes

☐ No

If yes:

Name of individual that assisted/completed this form: _____

Contact Information: Address: _____

Phone No: _____

What is that individuals relationship to you: _____

NOTE: Section 148.5(a) of the California Penal Code states:

"Every person who reports to any peace officer listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, district attorney, or deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor."

I declare under penalty of perjury, under the laws of the State of California, that the foregoing statements and photocopies of attached documents are true and correct.

Date _____

Signature of Complainant

**YOU MUST SIGN AND DATE PAGE 6 OF YOUR COMPLETED FORM
WHETHER OR NOT YOU HAVE ADDITIONAL STATEMENT PAGES ATTACHED**